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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (San Jose Division)

| | |
|--|---------------------------------|
| SARAH PEREZ; MICHELLE LACKNEY; RACHEL STEWART; RACHEL HARDYCK |) Case No. C06-1962 JW (PVT) |
| |) Hon. James Ware |
| On behalf of themselves and all others similarly situated; |) |
| |) STIPULATION AND [PROPOSED] |
| Plaintiffs, |) ORDER GRANTING PLAINTIFFS |
| |) LEAVE TO FILE SECOND AMENDED |
| v. |) COMPLAINT AND PRESERVING |
| STATE FARM MUTUAL AUTOMOBILE INS. CO.; et al. |) BRIEFING SCHEDULE AND HEARING |
| |) DATE ON DEFENDANTS' JOINT |
| Defendants. |) MOTIONS TO DISMISS |
| |) |
| |) |

1 Plaintiffs Sarah Perez, Michelle Lackney, Rachel Stewart and Rachel Hardyck ("Plaintiffs")
2 and defendants State Farm Mutual Automobile Insurance Company ("State Farm"), Allstate
3 Insurance Company ("Allstate"), GEICO, Certified Automotive Parts Association ("CAPA"), and
4 Liberty Mutual Insurance Company (collectively "Defendants"), through their respective counsel,
5 stipulate and agree as follows:
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7 1. On May 5, 2006, Defendants filed joint motions to dismiss Plaintiffs' First Amended
8 Complaint (the "Joint Motions"). In addition, defendants Allstate, GEICO and CAPA filed
9 separate motions to dismiss Plaintiffs' First Amended Complaint (the "Separate Motions") and
10 Defendant Liberty Mutual Insurance Company requested that Plaintiffs' counsel voluntarily
11 dismiss it without prejudice since a different company issued the insurance policy at issue to
12 Plaintiff Rachel Hardyck
13

14 2. The Court set the Joint Motions and Separate Motions for hearing on September 11,
15 2006 at 9:00 a.m.

16 3. The parties stipulated to a briefing schedule providing that Plaintiffs would file their
17 Opposition to the Joint Motions and Separate Motions on or before July 17, 2006, and Defendants
18 would file their Replies in support of their Joint and Separate Motions on or before August 21,
19 2006. On May 26, 2006, the Court signed an order adopting the stipulated briefing schedule.
20

21 4. On June 14, 2006, Plaintiffs filed a motion for leave to file their Second Amended
22 Complaint and lodged a copy of the Second Amended Complaint.

23 5. Defendants agree that they will not oppose Plaintiffs' motion for leave to file the
24 Second Amended Complaint without prejudice to any defenses they may assert, including but not
25 limited to defenses based on lack of personal jurisdiction.

26 6. Plaintiffs agree that Defendants' previously-filed Joint Motions shall be deemed to
27 apply to the Second Amended Complaint and shall be deemed to be adopted by Allstate Indemnity
28

1 Company, GEICO General Insurance Co., and Liberty Mutual Fire Ins. Co. upon the filing of their
2 appearances in this action.

3 7. Plaintiffs stipulate and agree that as to Allstate, that this action be dismissed without
4 prejudice as a named co-conspirator, and Allstate stipulates and agrees to withdraw and take its
5 Separate Motion off-calendar.
6

7 8. Plaintiffs stipulate and agree that as to GEICO, that this action be dismissed without
8 prejudice as a named co-conspirator, and GEICO stipulates and agrees to withdraw and take its
9 Separate Motion off-calendar.

10 9. Plaintiffs stipulate and agree that as to Defendant Liberty Mutual Insurance
11 Company, that this action be dismissed without prejudice as a named co-conspirator.
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13 10. The parties further agree that the briefing schedule and hearing date previously
14 established shall continue to apply.
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1 IT IS SO STIPULATED.

2
3 July 1, 2006

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4
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PROPOSED ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED as follows:

1. Plaintiffs' motion for leave to file the Second Amended Complaint is GRANTED.

2. As to Defendants Allstate and GEICO, this action is dismissed without prejudice, and Allstate's and GEICO's Separate Motions are withdrawn and taken-off calendar. This action also is dismissed without prejudice as to Defendant Liberty Mutual Insurance Company.

3. Defendants' previously-filed Joint Motions to Dismiss the First Amended Complaint will be deemed to apply to the Second Amended Complaint.

4. Plaintiffs will file their Oppositions to Defendants' Joint Motions to Dismiss on or before July 17, 2006.

5. Defendants will file their Replies in support of their Joint Motions to Dismiss by August 21, 2006.

6. The hearing on Defendants' Joint Motions to Dismiss will take place on September 11, 2006 at 9:00 a.m.

IT IS SO ORDERED.

DATED: July 14, 2006


UNITED STATES DISTRICT JUDGE